



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, MAY 20, 1999

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 1:30 P.M. ON THURSDAY, MAY 20, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session was held at 12:33 P.M.

The City Council announced it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

71. Discuss legal issues concerning proposed legislation in the 76th Legislature.
72. Discuss legal issues regarding a proposed ordinance relating to solicitations between occupants of motor vehicles and pedestrians and creating an offense for said solicitations.
73. Discuss legal issues relating to the ordinance proposed by the Real Estate Council of Austin and the SOS Alliance
74. Discuss *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al.*, Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocketed).

75. Discuss *Webb Troup Enterprises, Inc. v. City of Austin*, Cause No. 99-05274, in the Travis County District Court.
76. Discuss legal issues concerning the rights of a developer to continue a development proposal after annexation without full compliance with city regulations.
77. Discuss legal issues concerning contract to complete Montopolis Ball Fields.

Real Property – Section 551.072

78. Discuss real property acquisition for the Barton Springs Clean Drinking Water Project (May 2, 1998 Election, Proposition Two).

Executive session ended at 1:35 P.M.

LIVE MUSIC: Dysfunkshun Junkshun

INVOCATION: Pastor Mark Weaver - New Hope Wesleyan Church

Mayor Watson called the meeting to order noting the presence of all the Council Members.

1. Approval of Minutes for Regular Meetings of May 13, 1999
Approved on Council Member Garcia' motion, Mayor Pro Tem Goodman's second by a 5-0 vote.
Council Members Griffith and Spelman were off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. Robert L. Thomas – Discuss Termination and Employment at the Rosewood Recreation Center
3. Michael Bonds – We The People, Not You The People!
4. Jimmy Castro – Congratulations Seniors '99
5. Tressie Damson – Bed and Breakfast Ordinance
6. Jim Damson – Bed and Breakfast Ordinance
7. Richard Troxell – Homelessness in Austin

ALL OF THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 7-0 VOTE.

CONSENT AGENDA

Item # 8 was pulled for discussion.

Item # 9 was pulled for discussion at 6:30 p.m.

Item # 10 was pulled for discussion.

11. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for purchase of two regenerative air street sweepers for Solid Waste Services Department in the amount of \$217,292.78 (Funding was included in the 1998-99 Approved Capital Budget of the Solid Waste Services Department.) No MBE/WBE Subcontracting opportunities were identified. (Solid Waste Advisory Commission – 5/12/99)
Resolution No. 990520-11 was approved.
12. Approve execution of a twelve month supply agreement with OTTO DUKES MACHINERY CO., San Antonio, Texas for purchase of carpentry and outdoor tools in an amount not to exceed \$46,188.94 with two twelve month extension options in an amount not to exceed \$46,188.94 per extension for a total contract amount not to exceed \$138,566.82. (Funding in an amount of \$15,396 was included in the 1998-99 Approved Operating Budget for various City departments. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five. No MBE/WBE subcontracting participation.
Resolution No. 990520-12 was approved.
13. Approve a resolution authorizing execution of a twelve-month contract with IBM Corporation, Austin, Texas, for premium support service for software products used on the Information Systems Office (ISO) mainframe computer for a total contract amount of \$59,184. (Funding is included in the 1998-99 Approved Operating Budget for the for the Information Systems Office.) Sole Source. No subcontracting opportunities were identified.
Resolution No. 990520-13 was approved.
14. Approve an ordinance a seven year license agreement with a three year renewal option with LEVEL 3 COMMUNICATIONS, L.L.C. for placement of underground fiber optic cable in public rights-of-way over a designated route of the City. (\$80,000 Unanticipated Franchise Fee Revenue for the General Fund for 1998-99.) Recommended by City Council Committee for Telecommunications.
Ordinance No. 990520-14 was approved.
15. Approve an ordinance authorizing authorizing a license agreement with ENRON COMMUNICATIONS, INC., for placement of underground fiber optic cable in public rights-of-way. (\$64,448 Unanticipated Franchise Fee Revenue for the General Fund for 1998-99.) Recommended by City Council Committee for Telecommunications.
Ordinance No. 990520-15 was approved.
16. Approve an ordinance granting a seven-year franchise agreement with a five-year renewal option to Bluebonnet Electric Cooperative, Inc. (\$31,250 in unanticipated revenue for the 1998-99 General Fund) [Recommended by City Council Committee for Telecommunications on 4/27/99].
Ordinance No. 990520-16 was approved.
17. Approve an Ordinance authorizing granting a non-exclusive municipal consent agreement to TELEPORT COMMUNICATIONS HOUSTON INC., to provide telecommunications services. (Facilities will be under construction and will not be operational in Fiscal Year 1998-99. Revenue may result from services to be negotiated provided in subsequent years.) [Recommended by City Council committee for Telecommunications]
Ordinance No. 990520-17 was approved.

18. Approve a resolution authorizing execution of a contract with DITCH WITCH OF CENTRAL TEXAS INC., Austin, Texas for purchase of two, four-wheel drive trencher/backhoes in the amount of \$58,578.74 (Funding was included in the 1998-99 Approved Vehicle Acquisition Fund.) Low bid of two. No MBE/WBE Subcontracting participation.
Resolution No. 990520-18 was approved.

Item 19 was pulled for discussion.

20. Approve a resolution authorizing fee simple acquisition of Lot 5, Block A, Onion Creek Forest, Section 1, locally known as 6718 Shady Cedar Drive, Austin, Texas, from DAVID & JULYETTE WILLMANN for the Onion Creek Flood Control Project, in the amount of \$64,000 plus \$8,000 in relocation benefits, for a total amount not to exceed \$72,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)
Resolution No. 990520-20 was approved.
21. Approve a resolution authorizing fee simple acquisition of Lot 4, Block E, Onion Creek Forest, Section 1, locally known as 6820 Onion Creek Drive, Austin, Texas, from JOSE RAUL & MARIAN ALVINA ORDUNA for the Onion Creek Flood Control Project, in the amount of \$46,000 plus \$6,800 in relocation benefits, for a total amount not to exceed \$52,800. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection.)
Resolution No. 990520-21 was approved.
22. Approve a resolution authorizing fee simple acquisition of Lot 7, Block A, Onion Creek Forest, Section 1, locally known as 6706 Shady Cedar Drive, Austin, Texas, from ALFRED EDWARD MONTALVO for the Onion Creek Flood Control Project, in the amount of \$33,000 plus \$19,800 in relocation benefits, for a total amount not to exceed \$52,800. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection.)
Resolution No. 990520-22 was approved.
23. Approve a resolution authorizing fee simple acquisition of Lot 14, Block N, Onion Creek Forest, Section 2, locally known as 5709 Vine Hill Drive, Austin, Texas, from ORVAL & LILLIAN KITCHENS for the Onion Creek Flood Control Project, in the amount of \$41,500 plus \$6,404 in relocation benefits, for a total amount not to exceed \$47,904. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection.)
Resolution No. 990520-23 was approved.
24. Approve a resolution authorizing fee simple acquisition of Lot 17, Block D, Onion Creek Forest, Section 2, locally known as 6901 Shady Cedar Drive, Austin, Texas, from JOHNNY & ANDREA GARCIA for the Onion Creek Flood Control Project, in the amount of \$68,000 plus \$18,304 in relocation benefits, for a total amount not to exceed \$86,304. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection.)
Resolution No. 990520-24 was approved.
25. Approve a resolution authorizing fee simple acquisition of Lot 9, 10, 11, Block B, Onion Creek Forest, Section 1, locally known as 6717 Shady Cedar Drive, Austin, Texas, from RUSSELL & BECKIE FORSYTH for the Onion Creek Flood Control Project, in the amount of \$75,000 plus \$21,569 in

relocation benefits, for a total amount not to exceed \$96,569. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection.)

Resolution No. 990520-25 was approved.

26. Approve a resolution authorizing fee simple acquisition of Lot 1, Block B, Onion Creek Forest, Section 1, locally known as 6801 Onion Creek Drive, Austin, Texas, from SHARON K. JACOBS for the Onion Creek Flood Control Project, in the amount of \$30,000 plus \$17,904 in relocation benefits, for a total amount not to exceed \$47,904. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

Resolution No. 990520-26 was approved.

27. Approve a resolution authorizing negotiation and negotiation of a community facilities contract with POST APARTMENT HOMES, L.P., for creek bank stabilization along the portion of Shoal Creek located between 5th Street and West Avenue, with City cost reimbursement in an amount not to exceed \$550,000. (Cost reimbursement in an amount not to exceed \$550,000 is available in the 1998-99 Amended Capital Budget of the Watershed Protection Department.)

This item was pulled indefinitely.

Item 28 was pulled for discussion.

29. Approve a resolution authorizing negotiation and execution of a professional services agreement with PLANERGY INC., Austin, Texas, to provide a third party evaluation of Austin Energy's Residential Demand-Side Management Programs peak demand and energy savings, in an amount not to exceed \$100,000. (Funding is available in the 1998-99 Operating Budget of the Electric Utility Department.) No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission and Resource Management Commission)

This item was pulled indefinitely.

Item 30 was pulled for discussion.

31. Approve a resolution authorizing execution of a twelve month supply agreement with GT DISTRIBUTORS, INC., for purchase of Level II soft body armor vests to be used by the Austin Police Department, in an amount not to exceed \$48,125 with two twelve month extension options in an amount not to exceed \$48,125 per extension for a total contract amount not to exceed \$144,375. (Funding in an amount of \$4,000 was included in the 1998-99 Amended Operating Budget for the Austin Police Department. Funding for the remaining eight months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of four. No MBE/WBE Subcontracting participation.

Resolution No. 990520-31 was approved.

32. Amend ordinance 980915-A, the 1998-99 Operating Budget amending the Austin Police Department Special Revenue Fund, by adding six full-time equivalent Administrative Assistant positions (6 FTEs) to the U.S. Department of Justice, Office of Community Policing Services (COPS), COPS MORE (Making Officer Redeployment Effective) 1998 grant program, to provide administrative support for police officers in the District Representative program. (There is no fiscal impact with this change, which authorizes a change in the use of grant funds previously authorized by Council.)

Ordinance No. 990520-32 was approved

Item 33 was pulled for discussion.

34. Adopt an ordinance relating to the duty to report motor vehicle accidents. (No fiscal impact associated with this change.)
Ordinance No. 990520-34 was approved.

35. C14-99-0026 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1517 West Anderson Lane from “LR”, Neighborhood Commercial district to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading on April 8, 1999; Vote: 5-0 (Spelman and Goodman off the dais). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin Oriental Rugs (Alex and Michelle Bastanjoo); Agent: Designs Tech (Essi Sahebjiimmii). City Staff: Ellen Meadows, 499-2339.
Ordinance No. 990520-35 was approved.

36. Consider a resolution to authorize negotiation and execution of a managed growth agreement with Pohl, Brown and Associates regarding 503.30 acres of land, commonly known as the Pac Ten property and generally located near the intersection of RM 620 and U.S. Highway 183 for a development over a 10 year period under current regulations.
This item has been postponed to June 3, 1999 at the request of the applicant.

37. Approve an ordinance establishing a special historic designation for Steam Engine #786. (No fiscal impact.) Recommended by Historic Landmark Commission.
Ordinance No. 990520-37 was approved.

Item 38 was pulled for discussion.

39. Approve a resolution authorizing the negotiation and execution of a contract for the acquisition of approximately 110.797 acres of which 101.657 acres is for park and recreational purposes and 9.14 acres of right-of-way for East William Cannon Drive from First National Bank of Austin, now known as Frost National Bank, as Trustee of the FRANK AND FLOY SMITH HOLLOWAY CHARITABLE TRUST, in an amount not to exceed \$382,881. (Funding in an amount of \$351,348 is included in the 1991-92 Amended Capital Budget of the Parks and Recreation Department; \$31,533 is included in the 1990-91 Amended Capital Budget of the Public Works and Transportation Department.)
Resolution No. 990520-39 was approved.

40. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-6(C) – Construction Zones, to adjust the existing speed zone on Interstate Highway 35 South and the frontage roads from South First Street to Burleson Road where the posted speed signs indicate and road construction, maintenance or repair activities are being undertaken. (Funding for the speed signs will be provided by the Texas Department of Transportation.)
Ordinance No. 990520-40 was approved.

41. Approve a resolution authorizing the negotiation and execution of an Interlocal Agreement with the University of Texas, Austin, Texas, to conduct a policy research project on issues of metropolitan governance in an amount not to exceed \$105,247.35. (Funding in the amount of \$30,000 is available

in the 1998-99 Operating Budget of Planning, Environmental and Conservation Services Department; funding in the amount of \$75,247.35 is contingent upon availability of funding in future budgets.)
This item has been pulled indefinitely.

Items 42 through 45 were pulled for discussion.

46. A resolution to direct the City Manager to amend the contract of Austin Energy's statutory consumer advocate to permit the advocate to review AE items submitted in the fiscal year 2000 budget. (Mayor Pro-Tem Jackie Goodman, Council Member Willie Lewis)
Resolution No. 990520-46 was approved.

47. An ordinance to direct the City Manager to establish a free day (June 6, 1999) and an alternate free day (June 12, 1999) of swimming at Barton Springs Pool. (Mayor Pro-Tem Jackie Goodman)
Ordinance No. 990520-47 was approved.

Item 48 was pulled for discussion.

Items 49 through 51 were pulled for discussion at 7:00 p.m.

Items 52 through 66 were discussed later in the meeting.

Public Hearings

67. Conduct a public hearing on an ordinance to establish certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
This item was postponed to June 3, 1999 at the request of RECA and the SOS Alliance.

Item 68 was discussed later in the meeting

69. Approve an ordinance amending Title 25 of the City Code by establishing certain new permit expiration dates, a development mitigation policy, and related amendments to the SOS Ordinance and the Austin City Code relating to development in the Barton Springs Zone, as proposed by the Real Estate Council of Austin and the SOS Alliance.
This item was postponed to June 3, 1999 at the request of RECA and the SOS Alliance.

Item 70 was discussed later in the meeting.

Items 71 through 78 were executive session items.

Items 79 and 80 were discussed later in the meeting.

ADDENDUM

81. Direct the City Manager to initiate the re-zoning of the property known as a 5.2 acre tract at Old Bee Caves Road and Fletcher Lane from LR, Neighborhood Commercial District, to MF1, Multi-family Residence (limited density district). (Mayor Pro Tem Jackie Goodman and Council Member William Spelman)
Resolution No. 990520-81 approved.

DISCUSSION AGENDA

10. Approve a resolution authorizing execution of a professional services agreement with BROWN & ROOT, INC./ESPEY PADDEN, INC. JOINT VENTURE, Austin, Texas, for professional engineering and associated services for Phase 1 (preliminary engineering) and Phase 2 (design/bid) of the Waller Creek Tunnel Project, in an amount not to exceed \$2,225,000. (Funding is available in the 1997-98 Amended Capital Budget of the Convention Center Department.) 8.6% MBE; 18.2% WBE Subcontracting participation. (Recommended by Environmental Board)
Resolution No. 990519-10 was approved with two amendments by Council Member Garcia to have MBE/WBE participation increased by 1% to facilitate the involvement of Envirotrons Solutions Inc. and (b) that a development strategy be submitted in writing to Council within 30 days on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

CITY MANAGER'S REPORT

8. Discuss schedule of City Council meetings for the months of June and July.
Discussion was held and action taken on item 82.
82. Approve a resolution canceling certain City Council meetings in June and July and rescheduling other City Council meetings previously canceled.
Resolution No. 990520-82 was approved canceling of meetings of June 10, 1999 and June 24, 1999 in addition to the published list of cancelled meetings on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

A motion to recess the regular Council meeting and open the Board of Director's meeting of the AHFC was approved on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

3:30 P.M. - BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

President Watson called to order the meeting at 3:40 p.m., noting the presence of all Board Members.

A Board meeting of the Austin Housing Finance Corporation (AHFC) was conducted. Following adjournment of the AHFC Board meeting, the City Council reconvened. Item 52 was the item that was considered by the Austin Housing Finance Corporation's Board of Directors.

52. Approve a resolution directing the General Manager to evaluate entering into a Traditional Neighborhood District (TND) joint venture proposal, creating a new use of funds entitled TND Program in the Corporation's 1998-99 Annual Budget and in the Transfers Out budget of the Housing Assistance Fund, and increasing the use of TND Program funds and transfers out, in an amount not to exceed \$50,000.00, to allocate funds to evaluate the TND joint venture proposal.

Resolution No. 990520-52 was approved on Board Member Lewis' motion, Board Member Garcia's second by a 7-0 vote.

The meeting was adjourned at 4:10 p.m. on Board Member Garcia's motion, Board Member Spelman's second by a 7-0 vote.

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND THE FOLLOWING ITEMS WERE APPROVED ON CONSENT ON COUNCIL MEMBER LEWIS' MOTION, COUNCIL MEMBER GARCIA'S SECOND BY A 7-0 VOTE.

CONSENT ZONING ITEMS

53. C14-98-0248 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 11300-11314 Pecan Park Boulevard from “MF-3”, Multifamily Residence (Medium Density) district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant: TS-SD II, LTD (Gary Brown); Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.

This item was postponed to June 3, 1999 requested by applicant.

54. C14-98-0251 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 13608-13640 FM 620 Rd. North (Lake Creek) from “I-RR”, Interim Rural Residence, “SF-2”, Single-Family Residence (Standard Lot) to “MF-3” Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Grant “MF-3”, Multifamily Residence (Medium Density) district zoning with conditions. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith; Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.

This item was postponed to June 3, 1999 requested by applicant.

55. C14-98-0255 – Public hearing to amend Chapter 25 of the Austin City Code by zoning property locally known as 10101-10125 Lake Creek Parkway and 12905 to 13037 Hymeadow Drive from “SF-2”, Single Family Residence (Standard Lot) district and “I-RR” Interim Rural Residence to “LO”, Limited Office District. Planning Commission Recommendation: To Grant “LO”, Limited Office district zoning with Conditions for Tract 1, and “NO-CO”, Neighborhood Office-Conditional Overlay Combining district zoning with conditions for Tract 2 and “RR”, Rural Residence district zoning for any area within the 100 year flood plain. Applicant: Christianna Ltd. (Gary Brown); Agents: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.

This item was postponed to June 3, 1999 requested by applicant.

Item # 56 was pulled for discussion.

57. C14-98-0150 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as Heatherwilde Drive and East Wells Branch Parkway from “I-RR”, Interim-Rural Residence to “MF-2”, Multifamily Residence (Low Density). Planning Commission Recommendation: To Grant “MF-2-CO”, Multi-family (Low Density)-Conditional Overlay Combining district zoning for

Tract 1, and "GR-CO", Community Commercial-Conditional Overlay Combining district zoning for Tract 2, with conditions. Applicant: Wellspoint Real Estate Investments (Karen L. Burks); Agent: Land Strategies, Inc. City Staff: David Wahlgren, 499-6455

The Planning Commission's recommendation was approved on first reading only.

Item # 58 was pulled for discussion.

59. C14-99-0005 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as Pond Springs Road and San Felipe Blvd. from "I-RR", Interim-Rural Residence to "MF-3", Multi-family Residence (Medium Density) district. Planning Commission Recommendation: To Grant "MF-3-CO", Multi-family Residence (Medium Density)-Conditional Overlay Combining district zoning with conditions. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson); Agent: Reagan & Juarez, LLP (Paul M. Juarez). City Staff: David Wahlgren, 499-6455. (Continued from 3/25/99)
Ordinance No. 990520-59 was approved.

60. C14-99-0016 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located northeast of the intersection of Pond Springs Road and San Felipe Blvd. from "I-RR", Interim-Rural Residence district to "MF-3", Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Grant "MF-3-CO", Multifamily Residence (Medium Density)-Conditional Overlay Combining district zoning with conditions. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson); Agent: Reagan & Juarez, LLP (Paul M. Juarez). City Staff: David Wahlgren, 499-6455. (continued from 3/25/99)
Ordinance No. 990520-60 was approved.

61. C14-99-0024 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2618 Kramer Lane from "MI", Major Industry district to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: Hardage Hotels IV, LLC (Thomas D. Farrell); Agent: Bury & Pittman, Inc. (James B. Knight). City Staff: Antonio Gonzalez, 499-2243.
The Planning Commission's recommendation was approved on first reading only.

62. C14-99-0041 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 3563 Far West Blvd. from "GR", Community Commercial to "CS-1", Commercial-Liquor Sales district. Planning Commission Recommendation: To Grant "CS-1-CO", Commercial-Liquor Sales-Conditional Overlay Combining district zoning with conditions. Applicant: Far West & Woodhollow, Ltd. (James T. Ross); Agent: Jim Bennett. City Staff, Ellen Meadows, 499-2339.
The Planning Commission's recommendation was approved on first reading only.

63. C14-98-0204 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1112-1120 East 12th Street from "CS", General Commercial Services to "CS-MU", General Commercial Services-Mixed Use Combining district. Planning Commission Recommendation: To Grant "CS-MU-CO", General Commercial Services-Mixed Use-Conditional Overlay Combining district with Conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Agent: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319. (Continued from 5/6/99)
This item was postponed to July 1, 1999 at the request of the Council.

64. C14-98-0205 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1160-1168 Navasota Street from "CS", General Commercial Services to "SF-3", Family Residence district. Planning Commission Recommendation: To Grant "SF-3-CO", Family Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Applicant: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319. (Continued from 5/6/99)

This item was postponed to July 1, 1999 at the request of the Council.

65. C14-98-0206 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1190-1192 Navasota Street from "SF-3", Family Residence district to "SF-6", Townhouse and Condominium Residence district. Planning Commission Recommendation: To Grant "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay Combining district zoning with conditions. Applicant: Anderson Community Development Corp. (Ray Dell Galloway); Agent: LDC (Lauretta Dowd). City Staff: Susan Villarreal, 499-6319. (Continued from 5/6/99)

This item was postponed to July 1, 1999 at the request of the Council.

DISCUSSION ZONING ITEMS

58. C14-98-0216 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 611-613 Tillery Street, 3211 Holton Street and 610 Allen Street from "LI", Limited Industrial Service district to "SF-3", Family Residence district. Planning Commission Recommendation: To Grant "SF-3", Family Residence district zoning. Applicant: Trinidad Amaro, Marta Murieta and Julio & Isabel Teran; Agent: City of Austin, Development Review and Inspection Department. City Staff: Susan Villarreal, 499-6319. (Continued from April 15, 1999) Note: A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed on Council Member Griffith's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was off the dais.

This item was approved the Planning Commission recommendation on first reading only on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

56. C14-85-149.49 – Public hearing to amend Chapter 25-2 of the Austin City Code by amending restrictive covenant for property locally known as 12210 Tanglewild Drive. Planning Commission Recommendation: To grant approval of the restrictive covenant amendment. Applicant: Deborah Yates & Gilbert Martinez; Agent: Gilbert Martinez. City Staff: Antonio Gonzalez, 499-2243.

The public hearing was closed on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

Motion to postpone this item to June 3, 1999 by applicant was approved with a note to staff to explore how to amend covenant to address rezoning to SF-2 on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

DISCUSSION ITEMS

19. Approve a resolution authorizing execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, Texas, for construction of storm water drainage improvements on Evergreen

Avenue, from West Mary Street to South Lamar Boulevard, in the amount of \$232,074. (Funding is included in the 1996-97 Amended Capital Budget of the Watershed Protection Department.) Low bid of two. 24.13% MBE; 8.53% WBE Subcontracting participation. (Environmental Board Recommended)

Resolution No. 990520-19 was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Council Member Lewis was off the dais.

38. Approve an ordinance amending Title 25 of the City Code to establish regulations relating to bed and breakfast residential use.

Ordinance No. 990520-38 was approved with a friendly amendments: 1) section 25-2-782 E to add "cumulatively" to line 2 between "not" and "total"; 2) section 25-2-787a was amended to exclude items D, F, G, and K of section 25-2-782 from the waiver provisions under section 25-2-787 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 5-2 vote. Council Members Garcia and Lewis voted no.

PUBLIC HEARINGS

66. Conduct a public to receive citizen comments on proposed amendments to the City's 1998-99 Community Development Program and federal Annual Consolidated Plan to reprogram \$1,762,894 in CDBG funds and pre-award \$2,600,000 from anticipated future CDBG allocations. (CDBG funds in the amount of \$1,762,894 are available from the allocation of current and prior years funds. \$1,100,000 will be made available in the FY 1999-2000 Consolidated Plan allocation for CDBG funds. \$1,500,000 will be made available in the FY 2000-2001 CDBG allocation.)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 6-0 vote. Council Member Garcia was off the dais. Action on this item will be taken on July 1, 1999.

68. Conduct a public hearing on an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.

The public hearing was closed on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

70. Approve an ordinance amending Title 25 of the City Code relating to use and site development regulations applicable to the East Austin Overlay Combining District. City Staff: Greg Guernsey, Development Review and Inspection Department, 499-2387.

Ordinance No. 990520-70 was approved on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

DISCUSSION ITEMS CONTINUED

30. Approve a resolution authorizing negotiation and execution of an eight month contract with WISCONSIN ENERGY CONSERVATION CORPORATION, Madison, Wisconsin, to provide loans for residential energy conservation improvements in an amount not to exceed \$370,000 with the option to extend for four twelve-month periods in the amount of \$500,000 per extension for a total amount not to exceed \$2,370,000. (Funding in an amount of \$185,000 is included in the 1998-99 Conservation Rebates and Incentive Fund. Funding for the final four months and the extension options will be

contingent on future budget funding.) [Recommended by Resource Management Commission]
[Recommended by Electric Utility Commission – 3/9/99]

Resolution No. 990520-30 was approved on Council Member Lewis' motion, Council Member Garcia's second, on a 7-0 vote.

33. Set a public hearing to amend the Austin City Code, Chapter 8-3, Alcohol Consumption and Section 10-1-19, Glass Containers, by extending two already designated areas and adding two new areas in which open or previously opened glass containers and the consumption of alcoholic beverages are prohibited.) [Funding in the amount of \$7000 represents the placement of 200 signs in the designated areas. Available savings in the fiscal year 1998-99 Operating Budget of the Austin Police Department will fund the signage cost. (Suggested Date and Time: June 3, 1999 at 6:00 P.M.)

Resolution No. 990520-33 was approved on Council Member Lewis' motion, Council Member Spelman's second, on a 7-0 vote.

9. Approve an ordinance creating a Police Oversight Focus Group. (Council Members William Spelman, Willie Lewis, and Mayor Pro-Tem Jackie Goodman)

A motion was made by Council Member Spelman with an amendment to add to line 17 to read "as they affect the community". On page 2, line 2 change "recommendations deemed appropriate by the City Council" to read "those recommendations that the Council deems appropriate for implementation shall be referred to the City Manager for inclusion in the meet and confer process," Council Member Lewis' second the motion.

A friendly amendment was made by Council Member Lewis that members appointed to the board be residents of the City of Austin. Friendly amendment was not accepted.

Council Member Lewis withdrew his second on the main motion. Mayor Pro Tem Goodman seconded the amended main motion and it was approved by a 6-1 vote. Council Member Lewis voting no.

42. Approve a resolution authorizing negotiation and execution of an eight-month lease amendment and extension with PPC LAND VENTURES, INC., Dallas, Texas, the purchaser under a Contract of Sale of 701 West 5th Street, containing approximately 21,539 square feet of office space for the relocation of the Day Resource Center, in an amount not to exceed \$358,000. (Funding in an amount of \$150,000 is available in the 1998-99 Approved Budget of the Health and Human Services Department. Funding for the remaining eight months of the extended lease term is contingent upon available funding in future budgets.)

Resolution No. 990520-42 was approved on Council Member Garcia motion, Council Member Spelman's second, on a 7-0 vote.

43. Approve Amendment No. Three to the 1999 Interlocal Cooperation Agreement for the Human Services Program between the City of Austin and Travis County to provide additional funding to two existing contracts for relocation of homeless services and day labor operations for a net additional cost of \$477,342, for a total revised cost to the City not to exceed \$ 6,532,808. The increases in this proposed amendment cover the lifespan of the Interlocal Agreement and its contracts, which is January 1, 1999 through December 31, 1999. (Funding in an amount of \$341,562 is available in the 1998-99 Approved Budget of the Health and Human Services Department. Funding of \$137,780 for the remaining three months of the original contract period is contingent upon available funding in future budgets.)

Resolution No. 990520-43 was approved on Council Member Garcia's motion, Council Member Spelman's second, on a 7-0 vote.

50. Approve an ordinance amending Chapter 2-4 of the City Code to create the One-Stop Labor Center Advisory Board. (Council Members Gus Garcia, Daryl Slusher and Mayor Pro-Tem Jackie Goodman)
Ordinance No. 990520-50 was approved on Council Member Garcia's motion, Council Member Spelman's second, on a 7-0 vote.

51. Approve a resolution directing the City Manager to restructure the programming and operation of the new One-Stop Labor Center. (Council Members Gus Garcia, Daryl Slusher and Mayor Pro-Tem Jackie Goodman)

Resolution No. 990520-51 was approved on Council Member Garcia's motion, Council Member Spelman's second, on a 7-0 vote.

44. Approve negotiation and execution of two occupancy agreements with Austin Travis County MHMR to permit MHMR to relocate the Day Resource to 701 W. 5th Street (Calco building) and One-Stop Labor Center to the new location at 4916 North Ih-35.

The motion to sever item 44 and to approve the negotiation and execution of an occupancy agreement to relocate the Day Resource to 701 West 5th street was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Action on the second half of this resolution, the relocation of the One Stop Labor Center to 4916 N. IH-35 was postponed to June 3, 1999 on Council Member Spelman's motion, Council Member Lewis' second on a 6-1 vote. Mayor Watson voted no.

45. Authorize negotiation and execution of a five year lease with 4916 IH 35 PARTNERSHIP for approximately 5,300 square feet of space located at 4916 North IH 35 for a One-Stop Labor Center, in an amount not to exceed \$347,487.79. (Funding in an amount of \$21,600 is available in the 1998-99 Amended Operating Budget of the Health and Human Services Department. Funding for the remaining fifty-six months of the lease term is contingent upon available funding in future budgets.)

This item was postponed to June 3, 1999 on Council Member Spelman's motion, Council Member Lewis' second on a 6-1 vote. Mayor Watson voted no.

49. Approve and ordinance adding a new section 16-1-20 to the City Code regarding solicitations between occupants of motor vehicles and pedestrians and creating an offense for said solicitation. (Council Members Gus Garcia, Daryl Slusher and William Spelman)

First reading was approved on Council Member Spelman's motion, Council Member Garcia's second, on a 7-0 vote.

28. Approve a resolution authorizing negotiation and execution of Phase II (design) and Phase III (construction services) to the Professional Services Agreement with PBS&J (formerly: Espey, Huston & Associates, Inc.), Austin, Texas, for the Loop 360 Area Water System Improvements Project, in an amount not to exceed \$1,164,262, for a total contract amount of \$1,253,466. (Funding in an amount of \$1,164,262 is included in the 1995-96 Capital Budget for the Water and Wastewater Utility.) 2.4% MBE; 24.2% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution 990520-28 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Spelman was off the dais.

48. A resolution to direct the City Manager to facilitate the development of a preferred-rate mortgage program for police officers who purchase homes within the full-purpose jurisdiction of the city. (Mayor Pro-Tem Jackie Goodman, Council Members Bill Spelman and Willie Lewis)
This item was postponed to June 3, 1999 on Council Member Slusher's motion, Council Member Lewis' second on a 5-1 vote. Mayor Pro Tem Goodman voted no and Council Member Spelman was off the dais.

ACTION ON THE FOLLOWING

79. Consider settlement proposal in *Village of Bee Cave, et al. v. Travis County Water Control and Improvement District No. 14*, Cause No. 96-03683, Travis County District Court; *Travis County Water Control and Improvement District No. 14 v. Texas Natural Resource Conservation Commission, et al.*, Cause No. 97-12332, Travis County District Court; and *Request of Travis County Water Control and Improvement District No. 14 for Cease and Desist Order against Village of Bee Cave, Texas and Lower Colorado River Authority*, filed in the Texas Natural Resource Conservation Commission (undocketed).
Resolution No. 990520-79 was approved on Council Member Lewis' motion, Mayor Watson's second by a 6-0 vote. Council Member Spelman was off the dais.

APPOINTMENTS

80. Arts Center Stage Board – 9 – No action was taken on this item.

ADJOURNED at midnight on Council Member Slusher's motion, Council Member Griffith's second by a 5-0 vote. Council Members Garcia and Spelman were off the dais.

Approved on this the 3rd day of June, 1999 on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Council Member Spelman was off the dais.